

**OPINION
44-66**

March 29, 1944 (OPINION)

LIQUOR

RE: Prohibiting Sale to Minors

Answering your inquiry, with reference to the validity of an ordinance passed by a city, which would prohibit the sale of intoxicating beverages to all persons under the age of twenty-one years, you are advised that in my opinion such enforcement is a reasonable regulation of the retail sale of intoxicating beverages and valid. This office has held on many occasions that, while the various municipalities may not lower the age fixed by state law, which prohibits the sale of both beer and hard liquor to minors, yet under the authority given to the governing bodies of the municipalities to regulate the retail sale of intoxicating beverages, such age limit can be raised. Under the Liquor Control Act and the Beer Act, the state law prohibits sales to minors, which means to boys under twenty-one years and girls under eighteen years. However, the Act also gives to the governing body of the municipality the right to regulate the retail sale of both beer and liquor. This office has held on numerous occasions, that a regulation which prohibits the sale to anyone under the age of twenty-one years is a reasonable regulation and a reasonable exercise of the authority granted by the Initiated Beer Act and the Liquor Control Act to the governing bodies of the various municipalities.

You are therefore advised that an ordinance prohibiting the sale to anyone under twenty-one years is, in our opinion, valid.

I am enclosing herewith copies of two opinions heretofore given by this office, which discuss the same subject and along the same line as your inquiry.

ALVIN C. STRUTZ
Attorney General